



General Assembly

January Session, 2011

Committee Bill No. 323

LCO No. 3222

03222SB00323KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

**AN ACT CONCERNING DEPARTMENT OF CHILDREN AND FAMILIES
REUNIFICATION PLANS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-111b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) The Commissioner of Children and Families shall make
4 reasonable efforts to reunify a parent with a child unless the court (1)
5 determines that such efforts are not required pursuant to subsection
6 [(b)] (c) of this section or subsection (j) of section 17a-112, or (2) has
7 approved a permanency plan other than reunification pursuant to
8 subsection (k) of section 46b-129.

9 (b) The Commissioner of Children and Families may not (1)
10 implement or facilitate a permanency plan that includes as a goal the
11 termination of parental rights, or (2) petition to terminate parental
12 rights, when the commissioner is also implementing or facilitating a
13 plan to reunify such parent with a child. The commissioner may not
14 implement or facilitate a permanency plan that includes as a goal the
15 termination of parental rights, or petition to terminate parental rights,

16 unless the parent refuses to participate in the reunification plan.

17 [(b)] (c) The Commissioner of Children and Families or any other
18 party may, at any time, file a motion with the court for a determination
19 that reasonable efforts to reunify the parent with the child are not
20 required. The court shall hold an evidentiary hearing on the motion
21 not later than thirty days after the filing of the motion or may
22 consolidate the hearing with a trial on a petition to terminate parental
23 rights pursuant to section 17a-112. The court may determine that such
24 efforts are not required if the court finds upon clear and convincing
25 evidence that: (1) The parent has subjected the child to the following
26 aggravated circumstances: (A) The child has been abandoned, as
27 defined in subsection (j) of section 17a-112; or (B) the parent has
28 inflicted or knowingly permitted another person to inflict sexual
29 molestation or exploitation or severe physical abuse on the child or
30 engaged in a pattern of abuse of the child; (2) the parent has killed,
31 through deliberate, nonaccidental act, another child of the parent or a
32 sibling of the child, or has requested, commanded, importuned,
33 attempted, conspired or solicited to commit or knowingly permitted
34 another person to commit the killing of the child, another child of the
35 parent or sibling of the child, or has committed or knowingly
36 permitted another person to commit an assault, through deliberate,
37 nonaccidental act, that resulted in serious bodily injury of the child,
38 another child of the parent or a sibling of the child; (3) the parental
39 rights of the parent to a sibling have been terminated within three
40 years of the filing of a petition pursuant to this section, provided the
41 commissioner has made reasonable efforts to reunify the parent with
42 the child during a period of at least ninety days; (4) the parent was
43 convicted by a court of competent jurisdiction of sexual assault, except
44 a conviction of a violation of section 53a-71 or 53a-73a resulting in the
45 conception of the child; or (5) the child was placed in the care and
46 control of the commissioner pursuant to the provisions of sections 17a-
47 57 to 17a-61, inclusive.

48 [(c)] (d) If the court determines that such efforts are not required, the

49 court shall, at such hearing or at a hearing held not later than thirty
50 days after such determination, approve a permanency plan for such
51 child. The plan may include (1) adoption and a requirement that the
52 commissioner file a petition to terminate parental rights, (2) long-term
53 foster care with a relative licensed as a foster parent or certified as a
54 relative caregiver, (3) transfer of guardianship, or (4) such other
55 planned permanent living arrangement as may be ordered by the
56 court, provided the commissioner has documented a compelling
57 reason why it would not be in the best interests of the child for the
58 permanency plan to include one of the options set forth in subdivisions
59 (1) to (3), inclusive, of this subsection. The child's health and safety
60 shall be of paramount concern in formulating such plan.

61 ~~[(d)]~~ (e) If the court determines that reasonable efforts to reunify the
62 parent with the child are not required, the Department of Children and
63 Families shall use its best efforts to maintain the child in the initial out-
64 of-home placement, provided the department determines that such
65 placement is in the best interests of the child, until such time as a
66 permanent home for the child is found or the child is placed for
67 adoption. If the permanency plan calls for placing the child for
68 adoption or in some other permanent home, good faith efforts shall be
69 made to place the child for adoption or in some other permanent
70 home.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2011</i>	17a-111b
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Statement of Purpose:

To keep families together by preventing the Department of Children and Families from pursuing a plan to terminate parental rights when the department is also working on a plan to reunify the parent and child.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HARP, 10th Dist.

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